

What Surrogacy Produces

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Abstract

Surrogacy is the subject of many ethical, moral, and political discussions. The important questions that surrogacy raises concerning the availability of the human body and the commercial aspect of this practice in certain countries obscure other issues that pique the curiosity of an anthropologist interested in kinship and definitions of being. This article discusses how surrogacy, a medical technology and at times a commercial operation, is also a practice that establishes kinship.

Surrogacy consists of an agreement between a parent or intended parent (heterosexual or gay) and a woman who agrees to carry a child for them, and additionally in some circumstances another woman who donates her eggs, and various intermediaries (e.g. agencies, lawyers, and committees). It is considered to be an assisted reproductive technology by the World Health Organization (Zegers-Hochschild et al. 2009) and in some countries, such as Brazil, where it is not covered by parliamentary legislation but has been permitted and regulated by the Federal Medical Council since 1992.¹

In heterosexual couples, if the woman is able to procreate but unable to carry a child, the embryo is conceived from the gametes of the intended parents. If the woman is absolutely unable to procreate, or if the intended parents are a male couple, in the majority of currently known cases the embryo is conceived from a donated egg. Over the last three decades, surrogacy has therefore increased in technical complexity, as the child is no longer necessarily conceived by the woman carrying him/her, but by the intended mother if she is fertile, or thanks to a donor egg (Trimmings and Beaumont 2013). When it comes to surrogacy, dissociating gestation from conception seems to be a way of both diminishing the maternal nature of the surrogate, and reinforcing the supremacy of the parent couple in the fulfillment of the parental project. Where the intended parents have the choice, this appears to be the solution that they most often choose.

Let us briefly consider terminology. In French, the established terms used in the social debate, the law,² and the top scientific publications taking an empirical approach, are "gestation" [*gestation*] and "gestator on behalf of another" [*gestatrice pour autrui*]. It is perhaps unfortunate

¹ Resolution CFM no. 1.358/1992, http://www.portalmedico.org.br/resolucoes/CFM/1992/1358_1992.htm (last accessed July 11, 2017). My thanks to Flávio Tarnovski for helping me to find this document.

² The law of July 29, 1994, in article 16-7 of the French Civil Code, decrees that "any agreement relating to procreation or gestation on behalf of another is invalid."

that, as with the commonly-used French expression "carrying woman" [*femme porteuse*], these terms reduce the woman who bears the child to her gestational function, but they do have the merit of emphasizing the role that she plays for the future parents seeking her assistance, and the future child that she will bear. These terms are also useful when, prudently, we do not wish to unthinkingly see her as a mother, even if a secondary one. The anthropologists and sociologists who have met these women, regardless of the national context, also observe that for the most part they do not consider themselves to be the mothers of the children that they are bearing on someone else's behalf (Ragoné 1994; Teman 2010; Pande 2014). In addition, in the overwhelming majority of cases, the parents opting for surrogacy whom I have myself interviewed do not see the women who have helped them—either by donating their eggs or by bearing and giving birth to the child—as mothers. The substantive *surrogate*, frequently used in the Anglophone social sciences, can sometimes comfortably replace that of "gestatrice." But, for the reasons outlined above, it is not exempt from criticism because of its complete form: *surrogate mother*.³

I have chosen to use the term "parents" for the individuals asking a woman to bear their child. Qualifying them as parents despite the fact that French civil status currently rarely recognizes them in this capacity is not an ideological statement, but results from my analysis of the situations I have observed. Apart from one couple, which I will discuss later, none of the parents that I talked to had made it known that their child had more than two parents. When the relative place of the child's parents and the surrogate is discussed, the term "intended parents" [*parents d'intention*], which is an established expression in the French- and English- language social sciences, enables an emphasis on the intentional dimension that forms the foundation of their link with their child.

Technological development has enabled reproduction to be shared in a manner that was until now both impossible and unthinkable. Assisted reproduction with gamete donation already distinguished the woman carrying the child for nine months and giving birth to it from the woman donating her egg. Now, in the case of heterosexual couples opting for surrogacy, we sometimes distinguish not only the two women above but also a third, the woman at the source of the parental project who will raise the child and be its mother. Engendering is shown here in three dimensions that are actually habitually conflated: the development of the desire to become a parent (the assisted reproduction and adoption pathways make this particularly explicit), conception, and gestation. To take into account these contemporary developments, Flávio Tarnovski has proposed to complete the first parental function identified by Esther Goody, "conceiving and bearing" (Goody 1982) with "the intention to become a parent, implemented through a plan" (Tarnovski 2010, 251). In a society like contemporary France, where motherhood appears to be unsharable in both the general view and in the civil code, the idea of a child being engendered by more than two adults and, sometimes, more than one woman, is difficult to comprehend (Fine 1991; Théry and Leroyer 2014). The terms now used to denote each of the actors involved in engendering via assisted reproduction place the emphasis on the function that he or she fulfills: the sperm donor, the egg donor, the surrogate, the intended parents. But this descriptive terminology does not answer all of the questions that arise about the role of each individual. In this article, I will consider the place occupied by the woman who bears and gives birth to the child and, more rarely, the woman who donates her egg. Do they remain simple auxiliaries? Are they purely contractors? Do they become friends of the intended parents? Or, sharing as they do the parental function of engendering identified by Esther Goody, do they in fact enter into the margins of kinship of the intended parents and their child? In

³ Translator's note: "surrogate" has been used from this point throughout in the English-language text to translate both "femme porteuse" and the author's original use of "surrogate."

conclusion, we will see that the nature of these relationships closely depends on the context, and that opting for a surrogate based in a country other than that of the intended parents has very definite implications for both the process of surrogacy and the nature of the relationships between the different actors prior to birth. Empirical research into surrogacy has been carried out in various national contexts since the early 1990s, including in the United States, Israel, and India. Such studies have shown how practices vary according to time and cultural context.

Surrogacy is Also a Practice That Establishes Kinship

Surrogacy erupted onto the media landscape with the *Baby Cotton* affair in the UK in 1985, and the *Baby M* affair in the United States in 1988. These were situations in which a couple formed of a man and an infertile woman had asked another woman to help them conceive their child with the father's sperm and carry it (Merchant 2011). In France, a television program in September 1990 revealed two cases of "carrying mothers" [*mères porteuses*], as they were then called: the first had carried a child for her twin sister and said she was very happy, while the second had carried a child for an infertile couple in return for compensation, but had a bad experience to relate as she had had no news since of the couple or the child (Fine 1991). Despite the dramatic nature of these examples, the situation of a woman conceiving and giving birth to a child on someone's else behalf was not in some ways particularly novel.

In ancient Rome, for example, a citizen whose wife was fertile could lend her to another man whose own wife was infertile. The child born from this fleeting sexual union was considered to be that of the second man, and was brought up as his own by the until-then infertile couple (Héritier 1985; Trimmings and Beaumont 2013). In a text recently published in English but written in 1989 as part of a commissioned series for the Italian daily newspaper *La Repubblica*, Claude Lévi-Strauss considered assisted reproduction methods to have their equivalents, from the point of view of the anthropology of kinship, in traditional societies without access to reproductive medicine. He illustrated this with the examples of the Samo people in Burkina Faso, where all young women, married very young, must take an official lover before joining their husband, who becomes the father of any children they have of the lover; and some African societies where a husband left by one or more of his wives retains a father's rights over any children that they may later conceive with another man, as long as he is the first to have postpartum relations with them. It is even possible for a man married to an infertile woman to "arrange for a fertile woman to name him the father, gratis or in exchange for payment" (Lévi-Strauss 2016, 44). In these three cases, Lévi-Strauss distinguishes two men: the one who inseminates, and the father of the child. In the latter case, he also identifies, in addition to the "sperm donor," "the woman [who] leases her uterus to another man or a childless couple" (Lévi-Strauss 2016, 44). In his analysis of surrogacy in the state of Haryana in India, Aditya Bharadwaj reveals how the individuals that he met themselves compared it to the traditional practice of levirate marriage, for which assisted reproductive technology (ART) is essentially a substitute (Bharadwaj 2012, 252).

We cannot of course see strict equivalents to what British anthropologists in the late 1980s called *new reproductive technologies* (Strathern 1992; Edwards et al. 1993) in these traditional practices palliating for the absence of a child. The traditional societies described by Claude Lévi-Strauss had no knowledge of these medical technologies, nor of Western medicine as a whole. Nevertheless, in the face of a couple's infertility, they all proposed a solution that would enable them to become a parent by dissociating reproduction from kinship.

While ARTs have the same effect in regard to kinship practices, when it comes to views of reproduction, kinship, and the individual, they further blur the boundaries between the natural and the cultural, and the biological and the social (Courduriès and Herband 2014). When gametes no longer meet in the female uterus but *in vitro*, through the work of a laboratory technician, a biological event is produced which may be perceived as natural but which occurs in a highly technological environment (Strathern 1992; Edwards 2009).

The Role Given to the Woman Who Bears the Child

My research into surrogacy is currently still in progress,⁴ and I currently have a corpus of interviews carried out in France with sixteen families.⁵ In ten cases, these were families made up of a male couple, in five cases the parental couple was heterosexual, and in the final case the surrogacy was initiated by a gay, single man. Each surrogacy took place in North America. Our conversations have lasted several hours and I have had the opportunity to meet some parents on several occasions.

A "Mother," "a Kind of Mother"

The first, rather exceptional, case involved two fathers, Arthur and Gérald, who considered their little boy of eight months to have two equal mothers: the one who gave birth to him, and the one who enabled his conception by donating her eggs. In the little book that they have made to tell their child his story, these two women have written a note to the little boy signed respectively *belly Mummy* and "*lov*" *Mummy*. The two fathers told me how the surrogate, who already had her own child, claims to feel another kind of motherhood in relation to their child; a motherhood in which she is less involved on both an everyday and an emotional basis. Just as Arthur and Gérald call her, her husband, and her son "their American family," the surrogate calls the two men and their son "her French family." In this case, the surrogate amalgamates the kinship group of the child that she has carried with that of his fathers, and vice versa. This is not entirely the case with the woman who donated her eggs, who is designated by a kin term, but with whom the relationship was much weaker during pregnancy and after the birth of the child.

Another male couple, fathers to a little boy aged two years old, considered the woman who carried their child to be "a kind of mother" since she had "grown him in her belly." The attribution of a maternal quality to the *woman who carried* the child here seems, unlike in the previous case, to ignore the *woman who donated* her eggs and who shares part of the child's genetic inheritance, breaking with the commonly accepted idea that a parent is first and foremost a progenitor. Of the two physiological components of the maternal function of engendering, here gestation is invested with greater value. In other terms, *quasi-motherhood* seems to rest in this case on the bodily experience of pregnancy and childbirth rather than the *in vitro* procreation. In a context where surrogacy is for its opponents a symbol of the deviations of artificial and disembodied reproduction, the figure of the woman who has experienced the pregnancy and given birth to the child enables engendering to retain a *natural* appearance. For these two men, therefore, the surrogate is "a kind of mother" with whom they maintain a regular relationship and exchange news of their respective families. They send her photographs of their

⁴ This research has been made possible thanks to support from the ETHOPOL program focused on institutional regulation of familial intimacy, financed by the Agence Nationale de la Recherche (no. ANR-14-CE29-0002).

⁵ I met some families initially in the context of a scientific program that I led with Michelle Giroux, a legal expert and professor at the University of Ottawa.

child, and since the earliest days after they returned with him to France, they have also shown their little boy photographs of her, explaining that it is "thanks to her" that "they were able to have him." They also intend to talk to him about the egg donor at a later date. In the family of this male couple, there appears to be a place for the surrogate as a "kind of mother." But it is a place that she does not share with the egg donor. There are of course factual explanations for this: when the egg donor's identity is revealed at the child's request after the age of eighteen, as in many cases, she has not wanted to meet the donees. The relationship with the surrogate, on the other hand, has been both significant and friendly. This questions, in a relatively new way, the respective roles played by eggs and gestation in a biological conception of motherhood.

In the Euro-American mindset many barriers beset the idea that the maternal function of engendering can be shared. The first of these perhaps arises from the way in which we refuse to accept that parental attributes (in the sense of Esther Goody) can be shared concomitantly or consecutively by several adults. And yet such sharing already takes place in a number of family situations, on all continents: we might think for example of fostering children, adoption, families with stepchildren, or resorting to a third person to have a child. Agnès Fine suggests the concept of *pluriparenthood* [*pluriparentalité*] for describing these situations: a concept that enables consideration not only of situations in which more than two adults raise children (together or otherwise), but also those in which more than two adults have contributed to bringing a child into the world, by developing the parental plan, procreating, or giving birth to the child (Fine 1998).

Parental attributes, particularly in regard to engendering, can now be shared among many individuals. And yet the definition of parents in French society—and, more widely, in all those where kinship is traditionally organized along the broad lines observed by David Schneider in North America—remains relatively stable in both legal terms and in the general understanding, suggesting that parents are in no danger of competition. The logic of elective filiation has also long existed in these societies. Nevertheless, it is preferred for parents to be related to children by a biogenetic link, or, more precisely, children must ideally be the result of the sexual union of their two parents (Schneider 1968). Moreover, from the point of view of the Latin-inspired French Civil Code, motherhood is first and foremost anchored in the bodily experience of childbirth.

In the first situation that I have just described, where the surrogate and the egg donor are seen as mothers, and in the second, where the surrogate is seen as a "kind of mother"—two situations that can in no way be taken as representative for all others—the principle of filial exclusivity is largely strengthened but tolerates a notable violation. When I met both couples, neither of the two children existed in terms of French civil status. And on the birth certificate ratified by the judge on American soil, the child had two fathers and no mother. In everyday life, as is made possible by geographical distance, the child really does have two parents. But these are two fathers, which represents a major infringement of another traditional principle, that of intersex filiation. Anxious to be able to respond to the questions their son might have, and also perhaps to provide material for the academic questioning them (Courduriès and Fine 2014), the second couple of parents, who do not consider the surrogate to be a mother and perhaps lack entirely satisfying words to describe her, explain all the same that she is a "kind of mother." The expression reveals that in their eyes, this woman is not a stranger, but also that she is not entirely a mother to their child. Furthermore, as the first case demonstrates, it must be noted that in some situations surrogacy creates not only "quasi-familial bonds" (Gross 2012, 221), but true additional kinship bonds with the woman who bears the child and, to a lesser extent, with the woman who has provided her eggs.

None of the mothers that I met said that they saw the woman who had carried their child as a mother or "a kind of mother." Dominique Mehl does recall that one young mother responding to her questions had done so (Mehl 2008), but if other women do not it is hardly surprising. For a gay couple such as those discussed above, the injunction to build a family setting that conforms as closely as possible to dominant expectations may lead them in some circumstances to see the surrogate as a maternal figure. Conversely, a woman who has to ask another to bear her child is required to deny this woman any maternal characteristics. The mother must construct her motherhood despite the fact that surrogacy is criticized by some as a morally suspect practice, and she has not been able to carry her child or give birth to him/her, and sometimes has not been able to participate in his/her conception. Her own motherhood is destabilized and even contested in France by civil status documentation and judicial decisions, and cannot bear the least competition, in a society that appears unable to tolerate additional motherhoods and fatherhoods.

The Woman Bearing the Child is Not a Stranger but a "Friend"

However, not wishing to see the woman who has carried her child as a mother or another "kind of mother," as may be encouraged by views of motherhood that are founded on pregnancy and childbirth, does not mean not recognizing the role played by the surrogate. The mothers that I met, like all the gay or heterosexual fathers, highlighted this woman's importance in achieving their goal of starting a family, and included her in the family story that they have told or will tell to their child. This tale told to the child (as well as to the people around them and the researchers questioning them), has several roles. It puts into words the story of the child, who is thus invited to see his/her birth as beginning from conception and even from the initial plan (Delaisi de Parseval 2008). It gives the child numerous reference points and the possibility to maintain a relationship with the woman who gave birth to him/her, or to contact her at a later date. It wards against any potential charge that the parents are lying to their child and denying the bodily dimension of engendering. Finally, the story also recognizes the different actors involved in engendering, and thus plays the role of a counter-gift destined for them; a recognition that is not necessarily achieved through the use of terms of reference or address borrowed from kinship, nor through the conferral of a parental role.

The women in my corpus who had opted to go through surrogacy with their husbands never therefore told me that they saw the woman who carried their child as a maternal figure. Some of them, however, presented her as a friend. This was the case with Nadine who, with her husband, turned to a Californian agency that put them in contact with a surrogate:

The second file [sent by the agency] was Claudia's. [. . .] From the very first emails we exchanged, we both felt a very strong bond. After a few weeks, we had established a very close line of communication [. . .] Our meeting took place in a Tex-Mex restaurant. [. . .] I was worried about being disappointed or disappointing her. [. . .] In the end, Claudia and I relaxed a little and we rediscovered the camaraderie we had begun online. The evening went so well that they invited us to dinner at their house the next day. We stayed for two weeks, visiting the local area and spending time with Claudia and her family, with whom we became very close.

Although not all the parents that I met had this kind of experience, for some of them the surrogate was more than just a supplier of the child, and became part of the intended parents' circle of friends. The existing literature suggests that this logic of incorporating the surrogate

into the close circle of the intended parents is also driven by the surrogates themselves. This was seen as early as in Helena Ragoné's pioneering study on surrogates and the women that she described at the time as *adoptive mothers*, which she carried out in the United States in the late 1980s and early 1990s (Ragoné 1994). Elly Teman has also reported the case of an Israeli surrogate who, after carrying a child for a heterosexual couple, and despite the refusal of the authorization committee, proceeded to bear two twins for the same couple in the context of a mutual agreement. She said she had refused all compensatory payment from the parent couple, and that the act was motivated by her love for the intended mother with whom she had, in her own words, a "beautiful relationship" (Teman 2010, 209).

The Woman Who Has Taken Care of the Child as a Nurse

Intended parents, not wishing to resort to a kinship term (mother, aunt, godmother, for example) have thought carefully about how to describe the woman who has helped them to achieve their goal of motherhood. A new word has been found: the surrogate has become a "nanny" [*nounou*]. This is how David and his wife Virginie, from our very first contact, presented the woman by whom they were able to have their little girl, then three months old. The initiative is strongly encouraged by a support group for infertile people. This term of reference was used by all the heterosexual parent couples that I met, although not by any of the gay couples.

The use of the term "nanny," which may or may not have been widely adopted beyond my corpus, certainly has multiple dimensions. For Dominique Mehl, who also observed this term being used by the mothers that she met, it signifies that the surrogate "is present in the couple's circle before and after the birth, like a nurse" (Mehl 2008, 186). It perhaps aims to make a monetarized relationship between the intended parents and the surrogate more acceptable; a relationship supposedly devoid of affect due to it being distorted by the circulation of money. The term "nanny" enables valorization of the role of the woman who carries the child, not making her into a mother but at the same time recognizing her possession of a parental attribute (again in the sense of Esther Goody), that which consists of "nourishing" [*nourrir*] the child. The woman who carries the child is associated with the metaphor of the nurse [*nourrice*]. The nurse is the woman to whom the parents entrust the child, who is therefore the child's guardian; it is in this sense that the metaphor is attributed to her by the parents. But the role of the nurse is also to nourish the child who is confided to her. The metaphor of the nurse is commonly used in general parlance to emphasize the privileged bond between the child and the mother who nourishes him by breastfeeding; new knowledge is in circulation and being relayed on this subject. The child and the nurse, in the sense of the one who takes care of and nourishes him/her, are linked to one another by the nourishing substance. Although none of the parents mentioned the nourishing role of the surrogate, it is nevertheless evoked by the nourishing consubstantiality of the child and the woman who has carried and given birth to him/her without any genetic link. A consubstantiality that, in many non-European societies and even formerly in European societies, created kinship (Altorki 1980; Carsten 1997; Jeudy-Ballini 1998; Vernier 2006). It is precisely because the nurturing relationship constitutes kinship, alongside consanguinity and marriage (Weber 2013)—particularly, in the ideology of motherhood, of the relationship between mother and child—that some intended mothers take a hormonal treatment in order to produce milk and thus breastfeed their child after birth (Teman 2010, 151). When their little girl was born, the medical team asked David and Virginie if they wanted the surrogate to breastfeed her, or if they would prefer to bottle-feed her and, if so, whether they wanted to use the surrogate's milk or formula milk. The parents chose to take turns bottle-feeding her with formula milk. This tells us less about the significance that they attributed to maternal breastfeeding than the value that they placed on feeding their child themselves. Virginie also

wanted her daughter to be placed on her breast, skin to skin, when she was born; currently a very common practice in Western societies in the moments following childbirth. Here, motherhood is constructed through immediate skin to skin contact and the direct initiation of a nursing bond between the child and his/her mother.

Returning to the surrogate, assigning her the role of nurse, in the sense of the child's guardian, may also reflect a wish to minimize her physical and biological role. In the same way, the surrogate herself also seeks to minimize her own part and reduce it to a simple functional role, in order to better highlight the role of intention, care, and education, and thus valorize the bond between the child and its mother (Ragoné 1996, 360). The surrogate, far from being a replacement mother, is in this way more a bringer of motherhood to the parents, who see her as a "nanny" or a "good fairy" [*gentille fée*], as they sometimes write in the simple and naive notes aimed more at their child than the researcher. This was certainly the focus of a number of the surrogates met by Elly Teman in Israel, who themselves told the anthropologist, but also their own children, that they considered themselves to be the "babysitter" of the child that they had carried for another woman. Not seeing themselves as a "kind of mother" was a way of leaving the entirety of this space to the intended mother and at the same time demonstrating to their own children the demarcation between their family and that of the child that they had carried for someone else (Teman 2010, 56).

Among the individuals that I met, one man appeared to consider the woman who had carried his child neither as a "friend" nor as a "nanny." He was the only one to tell me that he saw her simply as a person to whom he was tied by a contract. This was Valentin, father of a little girl aged four. He now lives with his daughter and his partner. But at the time he began his surrogacy journey in the United States, he was single, and developed his parental project alone. Throughout our conversations, Valentin used terms and expressions that enabled him to convey the strictly contractual context of his relationship with the egg donor and the surrogate. A contract linked them and outlined specific commitments for each party: one woman would donate her eggs, a second would carry the child for him, and finally he would pay them each a different sum of money as stipulated in the contract. This is how he presented the matter to me. He never met the egg donor, who wanted to remain anonymous, and was not in direct contact with her. He met the woman who carried the child several times, and sends her news of his daughter once or twice a year. They have agreed that "when she is grown up and if she feels the need," his daughter will be able to speak with and meet her. The father never used kinship terms to designate the woman who carried his daughter (nor the woman who donated her eggs), and made it clear that he has not established a friendship with her. He was scathing about what he considered to be a prescription, on the part of some groups and a number of intellectuals, to envisage surrogacy only in the context of a friendship-type interpersonal relationship. Valentin has begun to tell his daughter how she came into the world. A photo album, with photos of the egg donor and the surrogate, is available in the house so that his daughter can look at it whenever she wants, and to help tell her story. But even when he speaks about the surrogate to his daughter he does not use any affective or kinship term. This experience of surrogacy, unique in my experience and seldom seen in other empirical studies, contrasts with the discourse of the other people I have met. It presents, however, the interesting aspect of making explicit the contractual dimension of surrogacy as it is implemented in a society where the majority of exchanges are organized by market logic. This father assumes a discourse that runs counter to contemporary debates on surrogacy in French society. Its detractors see financial compensation or remuneration as signifying the rental of a woman's uterus, or worse, the purchase of a child. Those who defend the regulation or management of this practice, countering such criticism without denying the existence of financial compensation in the majority of states in which it is

permitted, seek to minimize the importance of money and to emphasize instead, in the case of transatlantic surrogacies, the human and affective relation between the partners involved. In this example, the father sees himself as having taken a median route which actually makes the contractual nature of surrogacy explicit but at the same time respects the women who have helped him become a father. More generally, it is true that it is difficult to incorporate surrogacy into the context of an affective relationship when there is too great a geographic, economic, political, and ideological distance between the national contexts of the intended parents and the surrogate.

The Role Assumed by the Woman Who Bears the Child Varies According to the Country in Which Surrogacy Takes Place

In the case of French couples who opt for surrogacy in North America, it is possible to study whether a relationship of friendship or even kinship is forged between the parents and the woman who carries their child. Their surrogate lives in a society that is generally similar to French society, in relation to the economic situation and local views on kinship and reproduction, even if there are differences in terms of social class, religious sensitivities, and financial circumstances. Moreover, although surrogacy is the subject of debate in both France and North America (where it is not permitted in all US states, nor in all Canadian provinces), it is certainly not the subject of wide-scale social condemnation on either side of the Atlantic. According to already-published studies and the narratives of the intended parents that I met, although there is no suggestion that surrogacy is a trivial practice, it is not subject to a specific taboo that would prevent the surrogate from discussing her pregnancy with her close circle, or from developing and maintaining a regular relationship with the people for whom she has borne a child.

In other cases, the issue of whether surrogacy creates additional or simply affective kinship bonds, or introduces the surrogate into the margins of kinship, may be unimportant. This is particularly so when it comes to transnational surrogacies that bring together people from very different cultures, where the norms of kinship, local views on reproduction, and the relative place of men and woman may be very different. Sometimes these differences are further compounded by major disparities between the economic situations of the two countries and two families and, of course, the non-mastery of a common language, and the geographic distance that may make it difficult if not impossible to maintain any regular personal relationship without an intermediary. In the context of her doctoral research, carried out in both the United States and Ukraine, Delphine Lance showed how in Ukraine surrogacy is legal but socially very frowned-upon, and how surrogates seldom discuss the fact they have carried a child for someone else (Lance 2015). Between 2006 and 2011, in Anand, the administrative center of the state of Gujarat in western India, in a patrilineal and patrilocal context, Amrita Pande spoke with fifty-two surrogates, their husbands and in-laws, and also twelve intended parents, doctors, and nurses. She also conducted an ethnographical observation over ten months in the specialized clinics and hotels housing the surrogates. She showed that the surrogates, in the context of transnational surrogacies, very seldom had a direct and regular relationship with the intended parents of the child they were carrying or had carried (Pande 2014). Beyond the inherent differences in these transnational cases, the very organization of surrogacy as observed by Amrita Pande in Anand—very hierarchical, organized, and framed at all times by commercial and medical intermediaries, themselves assisted by mediators and "hotel" staff in the dormitories in which the surrogates spent all or part of their pregnancy—made any direct

relationship between the protagonists almost impossible. The surrogates themselves, probably encouraged by the Indian system of commercial surrogacy, which for them was a way of earning the equivalent of five years of household income, often viewed the intended mother simply as someone who was paying them a large sum of money to "rent" their uterus. This does not of course mean that the Indian surrogates saw the intended parents as slavers. They also saw them as people who were enabling them to do well-paid "work," that some felt had "more meaning," emotionally and physically, and was also less exhausting than the work that they themselves or many women they knew undertook in the textile factories (Rudrappa 2014). It is understandable that, in such conditions, in Ukraine and in the state of Gujarat, as doubtless in other countries, and regardless of the wishes of the intended parents, the possibility of a direct, regular, and personal relationship between the intended parents and the surrogate may in fact be inappropriate and actually against the interests of the surrogate.

Conclusion

Surrogacy brings together market logic and kinship practices, which belong to two worlds that are commonly thought of as incompatible in French society, and challenges an important principle of some national laws: the unavailability and inalienability of the human body. It forms part of the social, ethical, and intellectual debate, but in its wake other questions arise that are of particular interest to anthropologists studying kinship and the person. From the point of view of reproductive technologies, surrogacy introduces a radical novelty. But in regard to kinship techniques, it maintains traditional forms of adoption and movement of children. Surrogacy, while certainly a commercial practice in several national contexts, is also a kinship practice that consists of giving a child to people who do not have one and which leads to the creation, around the child, of multiple kinship bonds.

For the anthropologist, the intended parents discussed here, whether they are gay or heterosexual, are very much the parents of the children that they have had thanks to a surrogate pregnancy: because they have initiated the project of their birth, they raise them from birth, they see themselves as their parents, and because the children, when they are old enough to talk, call them their parents, those around them and the rest of society (school, administration, doctors, etc) also consider them to be parents; and in a few rare cases, French civil status now also recognizes their parenthood.

As with assisted reproductive technology in general, surrogacy leads us to deconstruct what seems apparently *natural* in terms of engendering and filiation (Strathern 1992; Fassin 2002), and shakes up the view of reproduction as an act of nature (Yanagisako and Delaney 1995, 6), the result of a sexual encounter in the context of a loving, conjugal relationship (Schneider 1968). Above all, surrogacy invites us to escape the perpetual distinction between the biological and the social since, as Agnès Fine and Agnès Martial remind us, they "participate in the construction of contemporary familial worlds together, just as they did in ancient worlds" (2010, 131).

The woman who substitutes for another to bear her child, by her act, takes on a certain facet of motherhood, at the same time as she enables the intended mother to truly become a mother. Carrying a child for another, given the representations of procreation and kinship in our society is, for the majority of people I met in the context of this research, an equivocal act. While to some eyes the surrogate remains a benevolent third party who enables the achievement of the parental project, to others, she and her own family become part of the close circle and sometimes enter the fringes of kinship of the intended parents. The terms of reference and

address that are borrowed from the field of kinship, or highlight the nourishing bond between the child and the woman who carries him/her, are a particularly striking illustration of this. But, whatever the nature of the bonds between the *surrogate family* (Delaisi de Parseval and Collard 2007), they necessarily vary depending on the circumstances and the conditions in which surrogacy takes place, and perhaps, even, over time.

Bibliography

- Altorki, Soraya. 1980. "Milk-Kinship in Arab Society: An Unexplored Problem in the Ethnography of Marriage." *Ethnology* 19(2): 233–244.
- Bharadwaj, Aditya. 2012. "The Other Mother: Supplementary Wombs and the Surrogate State in India." In *Reproductive Technologies as Global Form: Ethnographies of Knowledge, Practices, and Transnational Encounters*, edited by Michi Knecht, Maren Klotz, and Stefan Beck, 139–160. Frankfurt/New York: Campus Verlag.
- Carsten, Janet. 1997. *The Heat of the Hearth: The Process of Kinship in a Malay Fishing Community*. Oxford: Clarendon Press.
- Courduriès, Jérôme, and Agnès Fine, eds. 2014. *Homosexualité et Parenté*. Paris: Armand Colin.
- Courduriès, Jérôme, and Cathy Herbrand. 2014. "Gender, kinship and assisted reproductive technologies: future directions after 30 years of research." *Enfances Familles Générations* 21 : 1–27.
- Delaisi de Parseval, Geneviève. 2008. *Famille à Tout Prix*. Paris: Seuil.
- Delaisi de Parseval, Geneviève, and Chantal Collard. 2007. "La gestation pour autrui." *L'Homme* 183 : 29–54.
- Edwards, Jeannette. 2009. "The Matter in Kinship." In *European Kinship in the Age of Biotechnology*, edited by Jeannette Edwards and Carles Salazar, 1–18. New York/Oxford: Berghahn Books.
- Edwards, Jeanette, and Sarah Franklin, Eric Hirsch, Frances Price, and Marilyn Strathern. 1993. *Technologies of Procreation: Kinship in The Age of Assisted Conception*. Manchester/New York: Manchester University Press.
- Fassin, Éric. 2002. "La nature de la maternité." *Journal des Anthropologues* 88–89 : 103–122.
- Fine, Agnès. 1991. "Des parents 'en plus'." In *Se Reproduire, est-ce Bien Naturel?*, edited by GRIEF (Groupe de Recherches Interdisciplinaire d'Étude des Femmes), 29–46. Toulouse: Presses Universitaires du Mirail.
- Fine, Agnès. 1998. "Introduction." In *Adoptions: Ethnologie des Parentés Choisies*, edited by Agnès Fine, 1–15. Paris: MSH.
- Fine, Agnès, and Agnès Martial. 2010. "Vers une naturalisation de la filiation?" *Genèses* 78 : 121–134.
- Goody, Esther. 1982. *Parenthood and Social Reproduction: Fostering and Occupational Roles in West Africa*. Cambridge: Cambridge University Press.
- Gross, Martine. 2012. *Choisir la Paternité Gay*. Toulouse: Érès.
- Héritier-Auge, Françoise. 1985. "La cuisse de Jupiter : Réflexions sur les nouveaux modes de procréation." *L'Homme* 94(25) : 5–22.
- Jeudy-Ballini, Monique. 1998. "Naître par le sang, renaître par la nourriture: un aspect de l'adoption en Océanie." In *Adoptions, Ethnologie des Parentés Choisies*, edited by Agnès Fine, 19–44. Paris: MSH.

- Lance, Delphine. 2015. "La place de la femme et de son corps dans le processus de gestation pour autrui : l'exemple des femmes porteuses ukrainiennes." Paper presented at the *Genre, Parenté, Sexualité* study day, Marseille, Centre Norbert Elias, April 16.
- Lévi-Strauss, Claude. 2016. "Social Problems: Ritual Female Excision and Medically Assisted Reproduction." In *We Are All Cannibals*, translated by Jane Marie Todd, 37–48. New York: Columbia University Press.
- Mehl, Dominique. 2008. *Enfants du Don. Procréation Médicalement Assistée : Parents et Enfants Témoignent*. Paris: Robert Laffont.
- Merchant, Jennifer. 2011. "Procréation et politique aux États-Unis : le cas de la gestation pour autrui." In *La Gestation Pour Autrui: Rapport de l'Académie Nationale de Médecine*, edited by Georges David, Roger Henrion, Pierre Jouanet, and Claudine Bergoignan-Esper, 213–224. Paris: Lavoisier.
- Pande, Amrita. 2014. *Wombs in Labor: Transnational Commercial Surrogacy in India*. New York: Columbia University Press.
- Ragoné, Helena. 1994. *Surrogate Motherhood: Conception in the Heart*. Boulder/Oxford: Westview Press.
- Ragoné, Helena. 1996. "Chasing the Blood Tie: Surrogate Mothers, Adoptive Mothers and Fathers." *American Ethnologist* 23(2): 352–365.
- Rudrappa, Sharmila. 2014. "Des ateliers de confection aux lignes d'assemblage des bébés : stratégies d'emploi parmi des mères porteuses à Bangalore, Inde." *Cahiers du Genre* 56 : 59–86.
- Schneider, David M. 1968. *American Kinship: A Cultural Account*. Englewood Cliffs: Prentice Hall.
- Strathern, Marilyn. 1992. *Reproducing the Future: Essays on Anthropology, Kinship and the New Reproduction Technologies*. Manchester: Manchester University Press.
- Tarnowski, Flávio. 2010. "Être Père et Homosexuel dans la France Contemporaine." PhD diss., EHESS Toulouse.
- Teman, Elly. 2010. *Birthing a Mother: The Surrogate Body and the Pregnant Self*. Berkeley, Los Angeles/London: University of California Press.
- Théry, Irène. 2010. *Des Humains Comme les Autres: Bioéthique, Anonymat et Genre du Don*. Paris: EHESS.
- Théry, Irène, and Anne-Marie Leroyer. 2014. *Filiation, Origines, Parentalité : Le Droit Face aux Nouvelles Valeurs de Responsabilité Générationnelle*. Paris: Odile Jacob.
- Trimmings, Katarina, and Paul Beaumont. 2013. "General Report on Surrogacy." In *International Surrogacy Arrangements: Legal Regulation at the International Level*, edited by Katarina Trimmings and Paul Beaumont, 439–550. Oxford and Portland: Hart Publishing.
- Vernier, Bernard. 2006. "Du bon usage de la parenté construite avec des humeurs corporelles (sang et lait) et quelques autres moyens." *European Journal of Turkish Studies* 4. Accessed July 12, 2017. URL: <http://ejts.revues.org/623>.
- Weber, Florence. 2013. *Penser la Parenté Aujourd'hui : La Force du Quotidien*. Paris: Éditions Rue d'Ulm.
- Yanagisako, Sylvia Junko, and Carol Lowery Delaney. 1995. *Naturalizing Power: Essays in Feminist Cultural Analysis*. New York: Routledge.
- Zegers-Hoschchild, Fernando, G. David Adamson, Jacques de Mouzon, Osamu Ishihara, Ragaa Mansour, Karl-Gösta Nygren, Elizabeth Sullivan, and Sheryl Vanderpoel (on behalf of ICMART and WHO). 2009. "International Committee

for Monitoring Assisted Reproductive Technology (ICMART) and the World Health Organization (WHO) Revised Glossary of ART Terminology." *Human Reproduction* 24(11): 2683–2687.